

Committee: _____ Conservation Commission _____

Date: _____ August 18, 2016 _____

Time: _____ 7:00pm _____

Location: _____ 3rd Floor Town Hall _____

Members & Staff present: __Nick Feitz, Carl Shreder, Rachel Bancroft, Andrew Currie, Laura Repplier, Susan Flint-Vincent & Steve Przyjemski

Members not present: _____ Rae Ann Baldwin _____

The meeting was called to order at: _____ 7:11pm _____

Conservation Commission Meeting

Conservation Commission Meeting Minutes

August 18, 2016

**Chaplin Hill Road, Brook Street and Central Street (GCC 2015-13; DEP#161-0811)
ANRAD - (cont.)**

Applicant requests a continuation.

Steve Przyjemski: We still need a check for the 3rd party review to be started. He asked that we continue it for this meeting and he will be in at the next meeting.

Carl Shreder: Any Abutters for Chaplin Hills?

No answer.

Steve Przyjemski: Discussion regarding what we do have, what needs to be done. It was noted that they came in last fall and missed the window for a 3rd party review and had to wait until the spring to do it. If they keep pushing back the review, they will miss it for a second time.

Carl Shreder: We have a unique drought situation as well.

Nick Feitz: I make a motion that we continue Chaplin Hill Road, Brook Street and Central Street (GCC 2015-13; DEP#161-0811) ANRAD to September 15th @ 7:30pm.

Rachel Bancroft: Seconds the motion.

Motion carries unanimously.

66 Parish Road (GCC 2016-09; DEP#161-0825) ANRAD - (cont.)

Applicant has requested a continuance.

Steve Przyjemski: Jillian identified an area that they really disagree, that encompasses a really large area, and have sent out soil samples for a more analytical approach vs. a field survey. They have been going back and forth on that. I think they are getting very close, we should know by the next meeting, but this area would really impact the project.

Carl Shreder: Abutters to Parish Road?

Apparently not.

Nick Feitz: Makes a motion to continue 66 Parish Road (GCC 2016-09; DEP#161-0825) ANRAD - to September 15th @ 7:45pm.

Rachel Bancroft: Seconds the motion.

Motion carries unanimously.

7 Lake Avenue (GCC 2016-14; DEP#161-0827) - NOI - NEW

Tom Hamlin, homeowner

Dennis Quinlen, engineer

Tom Hamlin: I have lived in town my whole life. I was on the Conservation Commission back in the 80s when we went from the 50' to the 100' buffer zone. Looking to downsize, we bought 7 Lake Avenue to renovate it and retire there.

Discussion surrounding the whole pond being notified about the project. Cannot discuss project before all abutters that would be effected are notified. Decided Steve would give a 2 minute synopsis so the Commissioners have an idea about the project and can give an informed vote on whether or not to waive the requirement of notifying the whole pond.

Steve Przyjemski: New dock with a walkway leading out to it. New driveway leading to the back of the property outside of the ConCom's jurisdiction for a new garage, with the only buffer encroachment are the first 60-70' of driveway and some tree removal in front of the house within the ConCom's jurisdiction. Those are the only changes that might impact the people across the pond. The garage is technically behind the existing garage and outside the ConCom's jurisdiction. Most of the tree cutting is in the 50-75' buffer. We don't typically notify around the pond for a dock. The tree cutting is really the only thing that might be noticed across the pond.

Dennis Quinlen: Where the area is being cut, we will be replanting new trees.

Tom Hamlin: Also along the edge are some premature trees that will probably block most of the view of the pines behind.

Laura Replier: I would like to make a motion that we amend the green card requirement to only pertain to the eastern half of the pond, according to a vista line the discretion of which will be up to the agent.

Rachel Bancroft: Seconds the motion.

Motion carries unanimously.

Carl Shreder: That means we can't proceed any further on this particular case until we do that.

Laura Replier: Makes a motion to continue 7 Lake Avenue (GCC 2016-14; DEP#161-0827) - NOI to September 15th at 7:00pm.

Nick Feitz: Seconds the motion.

Motion carries.

Joseph Telzarski, 10 Lake Avenue, I've been living there since 1981.

Carl Shreder: I'd like you to hold that thought until the next meeting.

Steve Przyjemski: You can put it in writing.

Joseph Telzarski: It's a great place to live, but you have to do something about the plant, the invasive species.

Steve Przyjemski: Fanwort.

4 Canterbury Drive (GCC 2016-15; DEP#161-0828) - NOI - NEW

Jim Scanlan, engineer on behalf of homeowner, Mr. Gigelan.

Jim Scanlan: Mr. Gigelan, has an existing 5 bedroom dwelling, septic system in failure, some wetlands in back and intermittent stream.

Proposing an upgrade of the system, with a Prezby system. We looked at the soils in the front, but they are 7-8' of fill.

The proposed system is 81' from resource area. The limit of the grading is 65'.

Has been approved by the BOH. No comments by the DEP.

Removing the septic tank and will replace it.

Carl Shreder: What are the plans for the existing leach pits?

Jim Scanlan: Fill and left in place.

Prezby takes up a 40% less space. The leaching field through the Prezby is gravity fed. There is a pump chamber that pumps up to a distribution box, and from there it runs out into different lines.

Laura Replier: What percent grade is the drop in the back?

Jim Scanlan: About a 2' drop in 10', so 1 in 5.

Drew: 20% grade

Carl Shreder: Steve, have you been out to the site?

Steve Przyjemski: Yes, this is really the only place for it.

Abutters?

No abutters.

Carl Shreder: What's the timeline for installation?

Jim Scanlan: This fall, they want to put the house on the market. Julie Vanderock flagged the wetlands.

Nick Feitz: Mr. Chairman, I make a motion that we approve the NOI for 4 Canterbury Drive (GCC 2016-15; DEP#161-0828), not accepting the wetland lines.

Laura Replier: Seconds the motion.

Motion passes unanimously.

Nick Feitz: Makes a motion to close the 4 Canterbury Drive (GCC 2016-15; DEP#161-0828) - NOI

Laura Replier: Seconds the motion.

Hearing closed.

47 West Street (DEP#161-0826) - NOI - NEW

Michael SeeKamp, Seekamp Environmental Consulting

Paul Hagerty, Blatten, Brobrowski, Meat and Tolerman

Richard Morello, owner

Carl Shreder: Why don't I see a GCC number for this particular...?

Paul Hagerty: There is no application in front of you under the local bylaw. This is a comprehensive permit project. It has already received a comprehensive permit from the Board of Appeals, that comprehensive permit encompasses all local approvals including local approvals under the wetlands bylaw. So we already have our permit under the local bylaw, this is simply an application under the Wetlands Protection Act.

Carl Shreder: You have your permit, you're going to have to clarify that a bit more for me. You're saying this is a 40B project?

Paul Hagerty: Correct.

Carl Shreder: It's an over 55 project.

Steve Przyjemski: It's not a 40B.

Carl Shreder: No, it's not sir.

Paul Hagerty: We have a comprehensive permit that was issued by the Board of Appeals.

Steve Przyjemski: The Board of Appeals did say they have to meet with Conservation Commission early on, so there were both discussions.

Michael SeeKamp: We did come before the Conservation Commission and they did issue a permit under the local bylaw.

Steve Przyjemski: That expired.

Michael SeeKamp: That expired, correct.

Paul Hagerty: But the Board of Appeals issued a Comprehensive Permit which subsumes all other local approvals.

Steve Przyjemski: It says to go to the Conservation Commission for the local wetlands within that Comprehensive Permit.

Paul Hagerty: It doesn't really matter what it says, it is all local permits. I understand that it denied waivers under the local bylaw, but they cannot tell you you have to go to another local board. Under Chapter 40B it is approvals of every single local board acting locally. You retain your jurisdiction under the Wetlands Protection Act, the Board of Appeals has no authority to issue an approval pursuant to the Wetlands Protection Act, but under your bylaw, they are the permit granting authority.

Nick Feitz: How long ago was this?

Paul Hagerty: 2003

Laura Replier: 2002.

Steve Przyjemski: I'm working with the Zoning Board to better understand. This is a state application before you. It's in my opinion that they 100% need to file a local. We can handle it under the state, but at some point we have to clarify, which is why there are more questions at our end.

Laura Replier: This doesn't have an expiration date? Our permits are only good for 3 years. This was 14 years ago, so there's no limited life to a comprehensive permit?

Steve Przyjemski: That's a ZBA question.

Paul Hagerty: I do believe there is something in the file from the ZBA from the last year indicating that the permit remains valid. There is a lapse provision for a comprehensive permit, it doesn't require to have the work completed by any particular time, it just requires that any sort of work should commence within 3 years, and that period can be extended. Those are automatic during any kind of appeal process. This would include environmental remediation.

Carl Shreder: For the past 15 odd years the applicant has been working with us on a clean-up for this particular site. We are working under both state and local rules and regulations.

Paul Hagerty: You're working under an Enforcement Order?

Carl Shreder: Correct.

Paul Hagerty: Certainly work done outside the parameters of 40B would be subject to local bylaw. Work for the 40B development that has been approved by the Board of Appeals, your comprehensive permit, constitutes approval under the local bylaw.

Carl Shreder: We'll take it under advisement. We'll research it from our end and we'll proceed with this on the state.

Paul Hagerty: I know this is a complicated area of the law, some input from Town Counsel would be advisable.

Rachel Bancroft: Isn't this near one of the resource areas we draw drinking water from as well?

Steve Przyjemski: Zone 2 wellheads, National Heritage, Endangered species.

Michael Seekamp: BVW in green, Former Tidd's junkyard, considered clean by the state DEP. We're in the habitat of Blanding's turtles and close to the habitat of 4 toed salamanders, which have been de-listed. Their habitat is primarily sphagnum bogs and there are no sphagnum bogs within a 1/4mile of this property. Met with National Heritage a couple of weeks ago to survey the site and complete what we started in 2007, when we had picked the project up again for approval, but it was subsequently withdrawn because of the cleanup enforcement order. They have given clearance to the project due to no impact on the Blandings turtle's habitat. That information has been forwarded to the Conservation Commission. This is an over 55 as well as affordable housing, 16 unit project with access on the corner of West Street. Sewage disposal on site. Area outlined in blue which is about 1/2 of the site, will be deeded to the town as open space.

I delineated the wetlands in November of 2015. Very similar to when I did it back in 2001. No direct impact to wetlands, that's why this area is going to be deeded to the town.

Nick Feitz: Isn't there an intermittent stream on the property?

Michael SeeKamp: It's on the parcel that's being deeded to the town.

Carl Shreder: I suggest that we have a site walk especially since most of you haven't been on the property.

Laura Replier: I'd like to make a motion to have the BSC group do a 3rd party review the project.

Nick Feitz: Seconds the motion.

Andrew Currie: This level of detail and the size of the project, is this the same as what was approved? Or has it changed?

Michael SeeKamp: It's the same. Nothing has changed.

Andrew Currie: Do you know what the daily flows of the sewage?

Paul Hagerty: I don't we'd have to check with the engineer on that.

Richard Morello: They are 2 bedroom condos - 110 gallons/day.

Motion carries unanimously.

Andrew Currie: I was just curious if the 2002 plan reflects the same layout...

Michael SeeKamp: This project reflects the same layout, the same infrastructure, the same stormwater management system, the same septic system. It was approved both under the bylaw and the State Wetlands Protection act at that time. The wetland delineation was approved under a separate process. We had filed an RDA prior to filing a Notice of Intent. That was reviewed by Wetlands Preservation at the time.

Rachel Bancroft: Will the third party review, review the legality?

Carl Shreder: No, that's Town Counsel. They will look at it against the State Act, not the bylaw.

Carl Shreder: Abutters?

Bob Watts, 9 West Street: I live next door and have a lot of concerns regarding this project. The wetland delineation is very important to me. Also the septic system and leaching field locations and details are very important. It looks like the system is 15' from my property, obviously that concerns me greatly.

The length of time concerns me, 15 years. I believe there was approval of the mitigation work that was done, but there's still debris sitting on the surface. I don't know what the basis was saying that this was done, but I don't see how this could be done, seeing that there is debris on the surface. There's also mounds that were pushed up by Mr. Tidd years ago, what under there and why they were built is still an outstanding question.

When was there last work done there? I believe it's been a long time ago. I would encourage you to have the Town Attorney to see if nothing has been done in 10 years, is the ZBAs approval still valid?

Carl Shreder: Interesting questions, some of them are in our area and some are for other boards. Based on the longevity of this case it is rather a unique situation.

Steve Epstein, 55 West Street, abutter on the other side, downhill. It was my understanding from the Zoning Board of Appeals, that the catch basin that was on the other side of the street was going to be tied into the new catch basin on my side of the street. I don't see that on this plan. It would behoove the applicant to talk to the Highway Department about tying together to the back of the property...without that swale my basement gets flooded.

Michael SeeKamp: It's not shown as connecting now, I not aware is was agreed to in the 2002 decision.

Carl Shreder: It's a long case history, so everyone has to do some digging.

Steve Epstein: Once the water comes out of this pipe, this would flow to an outflow over here through my property and into the wetland over there. If I don't keep the culvert free of leaves, it comes across the street and all the water ends up in my basement, (which is fieldstone).

Carl Shreder: I have a question re: the other abutters comments that's there's still a lot of metal on site, do you want to address that?

Michael SeeKamp: I believe the State has declared the site clean.

Steve Przyjemski: So one of the conditions of the Commission allowing the close out and withdrawal of both applications was the entire disturbed site was the applicant agreed to sift any part of the site that was disturbed down 2' for all material, removing any buried material and small trash.

Carl Shreder: What was the timing?

Steve Przyjemski: At the time we could have had them do it, but the site was stable, it was vegetative and it didn't make any sense to dig up a site, sift it all out and then put it back down, because then we would have to worry about erosion into our watershed. So that was going to get carried forward to a new application, that would be a condition, before any work starts they would go in and do all this pre- (project).

Richard Morello: It was 1'. I was assuming it was when we put the infrastructure in.

Laura Repplier: We're not doing any more sampling down there unless we find something?

Carl Shreder: Yes, that's right, unless they find something egregious.

Richard Morello: We don't seem to go forward, it's always one thing or another.

Carl Shreder: The biggest problem is communication. Hopefully in this phase and age of high tech communication, we can keep in touch.

Richard Morello: We're here, we're ready to go. You get you're 3rd party guy lined up, and we'll be happy.

Bob Watts: Currently when the ground is frozen there's a pool that forms every spring.

Andrew Currie: Is there any storm water detention on this? You've got developed runoff going off the side. So there's no stabilization of flow, it will increase.

Michael SeeKamp: No, there's no increase in peak flows, it's not allowed under the storm water management policy.

Steve Przyjemski: I don't see how that's even physically possible, but we'll have someone take a look at it.

Andrew Currie: I assume that's something under BSC's scope I would assume.

Steve Przyjemski: Yup.

Andrew Currie: 25' right of way going off on the north side, do you what that is?

Carl Shreder: It's a Right of Way, I insisted on that to gain access to the land in the back.

Steve Epstein: I want to see the land go to the water department and not the Conservation Commission. They are better stewards of their forests.

Joseph Garozzo, 34 West Street: My concerns are the leaching field and the proximity to the intermittent stream behind Bob Watts' house, I've seen how bad it is when the snow's melting, the rain, it's a river! The concern is the proximity of the leaching field to the stream and the contamination of our drinking water.

Laura Replier: Is that something BSC will be looking at?

Carl Shreder: They will have to review the whole storm water plan. You can ask for a hydrology review too.

Laura Replier: A little worried about measuring the snowmelt runoff in this time of year. How do they measure the runoff in the dry season?

Carl Shreder: They calculate based on anticipated rainfall flows.

Laura Replier: I guess I view runoff as a very situational event, and I'm not sure it would cause changes in the soil or the vegetation. Yet what they are describing is a very serious rushing, ponding event that impacts this site.

Steve Przyjemski: I'll ask Jillian.

George Comisky, 45 Old Jacobs Road: I was involved in the beginning with the PIP (Public Involvement Plan) group. I also submitted a letter on behalf of Parker River Clean Water Association because of the proximity to the well fields. First question: As

of August 2nd, they haven't heard from National Heritage, but I guess it's been addressed with the letter of "No Take".

The application itself, **Jean Pacquin**, is another trustee and he's not listed in the application, as of 6/5/16.

Richard Morello: She signed them, I know she signed them.

George Comisky: Georgetown Realty Trust is still the...

Richard Morello: Yes.

Steve Przyjemski: Can you re-submit the Notice of Intent with that correction?

Paul Hagerty: I don't see why there's a need for a correction, the trustees would each have the authority to sign. You don't need to have both trustees to sign the document.

Carl Shreder: So it's filed as "The Georgetown Realty Trust", one entity. So they both have signature authority, correct?

Paul Hagerty: Yes.

George Comisky: Under the storm water checklist, you're using the 2000 checklist, that's not the same as the 2008 check list. It's on the DEP website.

Michael SeeKamp: That's a question for the engineer, I'll pass on that.

George Comisky: You're not seeking relief from the new 2008 stormwater standards are you?

Michael SeeKamp: no.

George Comisky: So, you don't have a valid storm water checklist. Also, in your narrative you talk about a letter to the Water Board, do you have that?

Michael SeeKamp: I don't. That's based on information from 2002, we'll look into that.

George Comisky: You're going by the design of the old system, it doesn't seem to meet the current standards. It seems that if storm water is being stored above ground, there would be more flooding on the property. I'm surprised by the state that they hadn't picked that up.

Steve Epstein: More flooding on the property, I'm not concerned about that. Once the catch basins are in, it's all going to flow downhill to an existing place where water collects.

George Comisky: How come there aren't any plan references on the Site Plan? You can't tell if the road is sloped, or crowned.

There's no legend key. I don't think the plan is very detailed.

Michael SeeKamp: There's two detail sheets, no legend.

Bob Watts: There's no scale.

George Comisky: There's a new catch basin and no volumes for West Street are given.

Michael SeeKamp: Again, that's a question for an engineer. We'll pose that to him.

George Comisky: There's no catch basins from the top of the street.

Steve Epstein: And five driveways that drain onto West Street that have been built since '92. (Which is why my basement was dry from '86-'92.)

George Comisky: How can your reviewer review calculations that haven't been submitted yet?

Steve Przyjemski: I admit it's a very thin storm water review, but the 3rd party will specify exactly what they expect to see.

Richard Morello: The engineer will supply them if they're not in the application already.

George Comisky: According to the site plan notes, there was supposed to be monitoring wells. They are not shown on the plan.

Richard Morello: They're in.

George Comisky: But they are not on the plan. There's supposed to be monthly monitoring during the construction phase, that's why they need to be shown on the Site Plan.

George Comisky: I have the Zoning Board decision #41 a "Mounting Analysis" is supposed to be done for the septic system.

Andrew Currie: To see the amount of sewage that is discharged.

George Comisky: High ground water, 1-2' below ground surface. Ground water flows into the drinking water for the town. I'm having a tough time seeing how you're going to keep all this water on site.

As far as the attorney's letter challenging, it is my understanding that Georgetown is above 10% affordable housing when the decision was handed down in 2002. Due to the client's previous history we should not be grandfathering under previous rules and regulations.

Carl Shreder: We will probably schedule a site walk until the next hearing.

Laura Repplier: Makes a motion to continue 47 West Street to 7:15pm on September 15, 2016.

Nick Feitz: Seconds the motion.

Motion carries unanimously.

Discussion:

9 Gloria Road

Barry Low, homeowner

Carl Shreder: Where do we stand with this?

Steve Przyjemski: We did a site walk 1 1/2 weeks ago. We looked at the branch and the tree, and decide how best to proceed with that. And then the area that is not growing any vegetation and the area that was restored a number of years ago.

Carl Shreder: The commissions that were there, what were your thoughts on the branch.

Nick Feitz: It's got to go. It's definitely a hazard, there's several dead branches off that tree, at least two or three dead branches.

Andrew Currie: And it's leaning towards the house and the other property too.

Steve Przyjemski: The back was heading towards the pond, the dead branch was going towards the neighbor's home, and the main trunk was heading towards the driveway.

All are in agreement that the branch needs to be taken down, that's a no-brainer there. The applicant requesting cutting the whole tree down. There's the branch and two main leaders. What are the thoughts on the leader where the branch broke off?

Rachel Bancroft: Over 2/3 of the tree was above where that branch broke off. I saw other trees on the property where branches had torn off and healed up very nicely. I don't think that would affect the tree all that much. 2/3 of the tree was wonderfully healthy above that branch.

Nick Feitz: It was very much alive but ripped.

Barry Low: That's a pretty big rip, it was weak. The rest of the leader above that rip will come down if it is weak.

Steve Przyjemski: Initially I said to take the right leader down, but after talking to some arborists, both of the trunks gain support from the other, so I changed my mind, I don't suggest taking either down unless one falls, then you have a good argument for taking down the other leader. I have never said to take the whole tree down.

Rachel Bancroft: Don't cut them both down. Just take down the branch.

Barry Low: We don't have a lot of area where my kids can play. That tree is right where my kids play.

Rachel Bancroft: That leader is leaning away from the trampoline and the monkey bars.

Carl Shreder: When did the branch break?

Barry Low: Two months ago.

Rachel Bancroft: That's an oak tree, and they can live for a long time.

Laura Replier: We have long standing issues about this property. Can we have some restoration options to offset the removal of what this fellow perceives to be as a threat to his property?

Carl Shreder: We could Segway into that, since nothing has grown there for six years...

Nick Feitz: In my opinion, it doesn't make any sense to put in plants in an area where nothing is growing. That would be like throwing money right into the water. Would it make more sense to have the soil tested to figure out what is going on? Why is nothing growing there?

Steve Przyjemski: I have my suspicions...

Barry Low: If you want to have it tested, go have it tested, but I don't want to pay for that. Whatever grows back there grows back there and whatever doesn't, doesn't. I don't have anything to do with that. I haven't even lived there for the past year. If you want to hire engineers or whatever, go ahead, but I don't want to have to pay for any of that.

Laura Replier: There was a restoration plan, was it implemented?

Barry Low: I planted what they told me to plant and that was it.

Steve Przyjemski: There's nothing on site that resembles anything that was planted.

Barry Low: Yes there is! That's absolutely not true!

Steve Przyjemski: There's low grass, we don't restore with grass, we restore with shrubs and trees.

Barry Low: You gave me a sheet, I picked three plants and planted them.

Carl Shreder: Then why isn't anything growing there?

Barry Low: It is growing there! The are leaves like crazy!

Carl Shreder: Those are from the trees!

Barry Low: The leaves kill the grass, and there are deer back there. I have nothing to do with that. I don't rake, I don't do anything.

Carl Shreder: We're trying to get a restoration plan back there to work. If you go back to 2000 there were all kinds of things growing back there, you burned it, we're trying to get it so there's some green back there other than a little bit of grass.

Barry Low: The ecology of the land has completely changed since we moved there. I don't want to falsely enforce a buffer zone that nature is in the process of eliminating. I think the wetland and the buffer zone over time will recede farther and farther out into the lake as more and more of that area becomes a meadow which has been happening because the whole water table has shifted.

Andrew Currie: There's a general underbrush that's growing in adjacent lots, that's not growing on your property.

Carl Shreder: We're trying to work with a restoration plan to eat something growing back there. We just don't see a lot, that's my concern.

Barry Low: It's not my fault.

Carl Shreder: Restoration plans are managed. We don't just say, "We'll, I don't have any responsibility."

Barry Low: I'm not managing a plan, I'm not managing anything! I just let nature do its thing!

Carl Shreder: Restoration Plan. That means we have goals, objectives and we do things!

Barry Low: I did what the Commission ordered me to do back then. There was nothing further, so I did nothing further. I haven't even lived there for the past year, I've been out in Portland, OR living and working.

Rachel Bancroft: There's generally a failure rate when we do a restoration plan, correct?

Steve Przyjemski: You have to maintain 80% survival, if it drops below,

Rachel Bancroft: So there's a maintenance factor whenever you do a restoration plan.

Barry Low: I think it's for the first three years, right. And we maintained those 3 species of plants that you picked.

Carl Shreder: We have pictures for that time period and still, nothing, nothing.

Barry Low: I planted the 3 species that you asked me to plant.

Steve Przyjemski: None of which are out there right now.

Barry Low: One of the species still live there.

Steve Przyjemski: Can you get me a copy of the planting plan that you keep referencing?

Barry Low: I can look, yeah.

Carl Shreder: We would like to revisit the restoration plan. There's got to be a reason things aren't growing there.

Barry Low: I don't go back there. I don't go back there.

Nick Feitz: To me, it makes more sense to test the soil, and figure out what will grow there if anything, and then we can create that restoration plan, because, obviously what we had isn't working.

Barry Low: I purchased 3 species that you suggested and it took off. There are 7 or 8 clumps of iris over 30' area. The planting plan was just for the slope of that hill. We complied to the letter.

Steve Przyjemski: Look at the pre and post pictures.

Laura Replier: There's still nothing growing 9 years later...The house next door has a nice vegetated area.

Barry Low: Our hill extends right to the edge

Laura Replier: Would you expect the forest to rebound? Would the water receding cause real change in the flora?

Barry Low: It used to be a 90 acre lake, now it's half gone. It's been a full decade since that dam went in.

Laura Replier: When was the dam installed?

Carl Shreder: Before the 90s. They modified the dam a number of years ago, but there's been a dam there for a LONG time.

Barry Low: There's no argument that the level of the lake has receded dramatically over the past decade.

Steve Przyjemski: You could drain the pond tomorrow, but you wouldn't change the vegetation, you might change the type of vegetation. You would go from wetland to upland.

Laura Replier: I'm thinking we need a different planting plan.

Carl Shreder: It's called eutrophication. Ponds fill in, it's a natural process.

Steve Przyjemski: It's a jurisdictional area, there's a no-cut line, no matter what the water does from one extreme to another, there should be vegetation there. The restoration project before, and I agree with this, was only done on the slope because that was the only area that was not vegetated. If you look at the '06 picture, everything else was vegetated. Why would we ask them to plant trees in an area that was 100% vegetated? So we focused on the shoulder of that slope because we were worried about erosion. That was a buffer, "no cut", plant this shoulder. So those plants, most of them are gone and the buffer that was behind them are gone.

Barry Low: The only thing I cut now is my lawn, I don't even go down that slope.

Steve Przyjemski: You acknowledged that your neighbor was coming across the property line to cut the back. That's still your property.

Steve Przyjemski: I would recommend a full professionally drawn restoration plan, with a 3 year professional review of it. We could test the soil, but he's claiming he didn't put anything down, so that's a waste of money. If he wants to pay to have this all done, and it doesn't last 3 years, then he has to replant it.

I would recommend having a wetland scientist pick the plants to the spot. There are some wetlands that have to be restored, there are some buffer uplands that need to be restored.

Barry Low: I don't want to pay for this, I don't want to pay for this!

I have no objection if you pay for this if that is what you want to do. I just don't want to pay for it! I feel like as long as I don't go back there, it's enough.

Carl Shreder: You want nature to take its course, and yet you want to take down trees. You contradict yourself.

Steve Przyjemski: Also the history of this area, you said you want to leave this alone, and yet there are many pictures of you cutting and burning the area, historically.

Barry Low: That was a long time ago. That was a decade ago.

Steve Przyjemski: Six, and it hasn't come back.

Nick Feitz: You created the problem, why shouldn't you be a player in helping resolve it?

Barry Low: We dealt with this back then. I made a mistake many years ago, I paid for it, I did exactly what this commission ordered me to do, I thought the issue was done, now it's coming up over and over. I don't want to have to keep replanting every couple of years.

Carl Shreder: What I would like to do is come to a corrective action, that some things naturally grow back there that stay. And then you can ignore it.

Barry Low: I don't care what grows back there or doesn't, I just don't want to have to pay for it. I already did that, I already hired a wetland scientist years back and had Oak engineering in here, presented these plans to you and you approved them all way back. I don't want to have to do that all over again. It cost me \$30,000 last time, I don't want to do this every five years! And I've done nothing back there! If you want to plant whatever you want to plant, go ahead, I don't care, you can do whatever you want, I don't want to have to pay for it.

Rachel Bancroft: If we went back to the Enforcement Order and back to the failed restoration plan, as far as fines go...

Steve Przyjemski: You could go back to ~ 2010. There was an enforcement order in place saying "No cut", leave it alone, and let it be natural. To your point, there is an outstanding Enforcement Order on this property. You can go back 5 years and show that cutting is being done, and level enforcement action for the past five years at ~ max \$300/day.

Barry Low: I have no problem with what you want to do or plant back there, I really don't, I just don't want to pay for it again.

Rachel Bancroft: You can either do that or go this route and pay \$100,000/year in fines.

Barry Low: I really don't want to go back to court over this.

Carl Shreder: I don't think it should. You're really not willing to give at all in anything.

Barry Low: I don't care what you do, I don't want to have to pay for it.

Carl Shreder: You have no explanation on why nothing has grown back there.

Barry Low: I haven't even been living here the past year.

Andrew Currie: The issue goes back several years.

Rachel Bancroft: It's still your property.

Nick Feitz: Do we have any precedence with similar failed restoration plans?

Steve Przyjemski: Sand and Gravel pit, it was a jungle, slightly different hydrology, slightly different tree structure, it was a jungle.

Carl Shreder: If you do the hydrology right, it thrives.

Laura Repplier: We found that there were some burning in spots, but there should be growing there. What natural phenomenon could occur where nothing grows?

Steve Przyjemski: To my knowledge, it's an herbicide or some chemical or human activity. If it was global warming or acid rain, you'd see it everywhere.

Carl Shreder: Even if the wetlands species died, something else would take over.

Nick Feitz: Nature hates a void.

Barry Low: There were several bushes that I burned. There's 1/2 acre back there that looked the same then as it does today. There's a lot of oak trees, not a whole lot grows with 2" of oak leaves. Nothing much has ever been growing back there. That pictures shows mostly a few bushes at the bottom of our hill.

Carl Shreder: This is going to particular hard time to plant because of the drought.

Steve Przyjemski: You do it late fall or early spring.

Steve Przyjemski: What is your thought of the tree?

Rachel Bancroft: Take down the branch. Leave the right leaders.

Laura Replier: Concerned about a traumatic event leading to a snap at the fulcrum.

Steve Przyjemski: There's no harm in allowing the weakened tree to stay because if it breaks off, it's heading towards the pond, there's no harm, no damage, it's habitat value, it's probably a good thing.

Laura Replier: I did hear this man's concern about his children.

Steve Przyjemski: On the other side. The weak one is heading towards the pond, the good one is towards the sandbox, so are 15 other trees by the way. Every single one of them can hit the sandbox.

Barry: The other trees aren't going to come down.

Steve Przyjemski: So a mitigation area with several large trees to mitigate this one large tree.

Barry Low: That area has not been disturbed.

Laura Replier: We are trying to work with you and it would be very lovely if you would actually come towards us a little bit as well, please.

Barry Low: You can plant whatever trees you would like, I just don't want to pay for it.

Steve Przyjemski: We keep hearing \$30,000 that was the permitting process for the addition the applicant wanted to put on their house. The previous cost of what we asked him to do was 3 or 4 concrete posts, which he put in himself and a few plants. I don't know how much that cost, but it wasn't \$30,000.

Barry Low: The \$30,000 was for the lawyers and the law suit, and the resolution of that law suit which ended up being that planting plan.

Carl Shreder: You filed the law suit, we did not file a law suit. You hired an attorney to sue the town, and now that's my fault?

Barry Low: That included Oak Engineering, a wetland scientist, filings that we did here. I don't want to have to pay for it again. And what if your new plantings don't grow, then I would be paying for it again and again, I don't want to keep doing this.

Rachel Bancroft: If it was natural it would be growing.

Rachel Bancroft: The branch that came down, was large, but it wasn't half of a tree that came down.

Barry Low: Why don't I agree to take down the branch only? I will work with Steve so he can monitor a tree service cutting down just the branch. I'll leave the rest of the trees alone, and I won't do anything in the back. If you want to plant anything, you're welcome to, but I don't want to pay for it. I don't want to have anything to do with it.

Laura Replier: Can we just agree on the tree, and table the restoration for another time?

Barry Low: I only expect to be here for this year, then my company is sending me to Maryland for a year. It won't be convenient for me to keep coming back in.

Carl Shreder: We would rather you don't come back in either. It had a lot of growth and now it doesn't. We're not trying to punish you, we're just trying to fix it. There was an enforcement order, it didn't work and we're trying to fix it.

Laura Replier: What you said about just taking down the branch is very helpful. We will now go away and see what else we can come up with to rectify the situation in the back.

Barry Low: You are welcome to come and take pictures any time you want, that goes for any of you. You don't need an appointment.

Barry Low: I will coordinate with Steve to take down the branch and leave the rest of the tree standing.

Laura Replier: I would like to make a motion that we allow Mr. Low to remove the broken branch but leave the rest of the tree standing.

Rachel Bancroft: Second the motion.

The motion carries unanimously.

Nick Feitz: Makes a motion to approve the bills as read by Steve.

Rachel Bancroft: Seconds the motion.

Motion carries unanimously.

Parcel F deed to sign.

Steve Przyjemski: We've already voted on this, it's just an administrative act.

OoC signed: 4 Canterbury Drive, state and local

CoC signed: Close out document for the playground at American Legion Park.

Rachel: Makes a motion to appoint members to Kimberly Dowling, John LoCicero and George Langlois to the Camp Denison Committee, and the Peter Burns to Open Space Committee.

Laura Repplier: Seconds the motion.

Motion carries unanimously.

Discussion:

Steve Przyjemski: I live in Haverhill. I hired a contractor who encroached on a wetland buffer. It was not my intention to encroach on this buffer. I was notified by the Haverhill Conservation Agent, we met on site, I submitted a buffer restoration plan, went to a Conservation hearing where they approved my proposal, I will be replanting the area next month. I don't foresee any issues, it is all reasonable and I'm moving forward according to the timeline given. I don't see any problems with it with my job here, but I think it's important that you know what is going on.

Carl Shreder: Just proves the point that we, as a public officials, we need to make sure we follow the rules and regulations too, we're not exempt. We are held to a little higher scrutiny. I did converse with the Haverhill Conservation Agent. I feel that a violation did occur, but they said Steve is working very cooperatively with them. They didn't think it was purposeful, they did issue and Enforcement Order, just like we would. They are not giving Steve any special privileges because he is a Conservation Agent here in Georgetown. They are planning on keeping me up to speed to insure this gets closed out.

Steve Przyjemski: The person that filed the complaint was not anonymous, they do come before the Commission from time to time. I have no problem working with this person in the future, I'll be professional and do my job. To me it's a perception of conflict of interest. If that's something that you'd like me to abstain from being the agent for that meeting, I'm happy to, I don't know how that works.

Carl Shreder: If a case comes before us, you do just that, acknowledge that there had been an issue for disclosure and just note that you feel you can do this without being biased. If you feel you can't be unbiased, you just have to delegate it to the Commission.

Nick Feitz: There was a gentleman here earlier who mentioned the condition of Lufkin's Brook being a problem. It has trash or whatever it was.

Steve Przyjemski: Yes, Mr. Epstein. Vegetation debris, so woody debris. His concern is fire.

Nick Feitz: Do we have a responsibility to maintain the lands that we own? Attractive nuisance that sort of thing?

Steve Przyjemski: We don't go in and prevent forest fires by removing dead vegetation. Most people in Massachusetts don't do that. Are we good at maintaining our trails, parking and access? We're not really good at that, we need to improve on that. What he's complaining about is not something that we've ever managed.

Carl Shreder: We have some CPC money and I'd like to see a project that cleared the entrance to Lufkin's Brook, and re-opened it up. We have some funds for the Community Gardens too.

Steve Przyjemski: Susan, Drew and I are meeting with Peter Durkee very shortly to talk about the Community Gardens at trail connectivity. I don't know if some of it was for signage.

Nick Feitz: I just wanted to make sure we don't have any kind of liability. So if that happened, and homes were lost...

Rachel Bancroft: We had talked about having a checklist for tree cutting for the town for the Highway Department. So trees aren't coming down without notification. I was just wondering where we were with this?

Steve Przyjemski: It needs to be sent out. I talked with Peter Durkee about it, but never formalized it.

Carl Shreder: I'd like to see a simple policy with him, 10 steps, bullet pointed.

Laura Repplier: Or a flow chart.

Rachel Bancroft: Makes a motion to close the meeting.

Nick Feitz: Seconds the motion.

Motion carries unanimously.

Meeting closed 9:44pm.

List of Documents and Other Exhibits used at Meeting:

Documents and Other Exhibits used at meeting will be available for review at: ___the Conservation Office___ Georgetown_____

(Office)

Meeting was adjourned at: _____ 9:44pm_____

Next meeting:

Date: _____September 15, 2016_____

Time: _____7:00pm_____

Place: _____Third Floor Meeting Room_____

Respectfully submitted,

Chairman: _____

(Signature)

Minutes approved by Committee on: ___ February 16, 2017___

(Date)